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2 Honorable Benjamin H. Settle
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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 DISCOVERORG, LCC,)
11 Plaintiff,) NO. CV15-05813BHS
12 vs.)
13 ALLGRESS, INC.,) ANSWER
14 Defendant.) JURY DEMAND
15 _____)

16 COMES NOW defendant Allgress, Inc., by and through its attorney,
17 Wayne C. Fricke of the Hester Law Group, Inc., P.S., acting as local counsel for
18 attorney Robert Glynn, and answers the Complaint as follows:

19 Pursuant to Rule 8(b)(3), Federal Rules of Civil Procedure, this
20 answering Defendant generally denies all of the allegations of the Complaint
21 except for those allegations that are expressly admitted.

22 **PARTIES**

23 1. Answering Paragraph 1 of the Complaint, Defendant admits
24 that Plaintiff is as described in the paragraph. Defendant denies the remaining
25 allegations on lack of information and belief.

ANSWER - 1

HESTER LAW GROUP, INC., P.S.
1008 SOUTH YAKIMA AVENUE, SUITE 302
TACOMA, WASHINGTON 98405
(253) 272-2157

1 2. Answering Paragraph 2 of the Complaint, Defendant admits
2 that it is a Nevada corporation but denies that it is proper defendant in this
3 action.

4 3. Answering Paragraph 3 of the Complaint, as Defendant is
5 not a proper party to this action it must deny the contentions in this paragraph.

6 4. Answering Paragraph 4 of the Complaint, Defendant denies
7 the contentions as it is not a proper Defendant in this action.

8 5. Answering Paragraph 5 of the Complaint, Defendant denies
9 the contentions as it is not a proper Defendant in this action.

10 **FACTS AND ALLEGATIONS**

11 **A. DiscoverOrg's Database**

12 6. Answering Paragraph 6 of the Complaint, Defendant denies
13 the allegations on lack of information and belief.

15 7. Answering Paragraph 7 of the Complaint, Defendant denies
16 the allegations on lack of information and belief.

17 8. Answering Paragraph 8 of the Complaint, Defendant denies
18 the allegations on lack of information and belief.

19 9. Answering Paragraph 9 of the Complaint, Defendant denies
20 the allegations on lack of information and belief.

21 **B. Allgress's Wrongful Conduct**

22 10. Answering Paragraph 10 of the Complaint, said paragraph
23 contains recitals for which no response is required. Defendant denies the
24 remaining allegations on lack of information and belief.

1 11. Answering Paragraph 11 of the Complaint, said paragraph
2 contains recitals for which no response is required. Defendant denies the
3 remaining allegations on lack of information and belief.

4 12. Answering Paragraph 12 of the Complaint, said paragraph
5 contains recitals for which no response is required. Defendant denies the
6 remaining allegations on lack of information and belief.

7 13. Answering Paragraph 13 of the Complaint, said paragraph
8 contains recitals for which no response is required. Defendant denies the
9 remaining allegations on lack of information and belief.

10 14. Answering Paragraph 14 of the Complaint, said paragraph
11 contains recitals for which no response is required. Defendant denies the
12 remaining allegations on lack of information and belief.

14 **FIRST CLAIM FOR RELIEF**

15 **(Copyright Infringement)**

16 15. Answering Paragraph 15 of the Complaint, said paragraph
17 contains recitals for which no response is required. Defendant denies the
18 remaining allegations on lack of information and belief.

19 16. Answering Paragraph 16 of the Complaint, said paragraph
20 contains recitals for which no response is required. Defendant denies the
21 remaining allegations on lack of information and belief.

22 17. Answering Paragraph 17 of the Complaint, said paragraph
23 contains recitals for which no response is required. Defendant denies the
24 remaining allegations on lack of information and belief.

1 18. Answering Paragraph 18 of the Complaint, said paragraph
2 contains recitals for which no response is required. Defendant denies the
3 remaining allegations on lack of information and belief.

4 19. Answering Paragraph 19 of the Complaint, said paragraph
5 contains recitals for which no response is required. Defendant denies the
6 remaining allegations on lack of information and belief.

7 20. Answering Paragraph 20 of the Complaint, said paragraph
8 contains recitals for which no response is required. Defendant denies the
9 remaining allegations on lack of information and belief.

10 21. Answering Paragraph 21 of the Complaint, said paragraph
11 contains recitals for which no response is required. Defendant denies the
12 remaining allegations on lack of information and belief.

13 22. Answering Paragraph 22 of the Complaint, said paragraph
14 contains recitals for which no response is required. Defendant denies the
15 remaining allegations on lack of information and belief.

17 **SECOND CLAIM FOR RELIEF**

18 **(Violation of the Computer Fraud and Abuse Act)**

19 23. Answering Paragraph 23 of the Complaint, Defendant denies
20 the allegations contained therein.

21 24. Answering Paragraph 24 of the Complaint, Defendant denies
22 the allegations contained therein.

23 25. Answering Paragraph 25 of the Complaint, Defendant denies
24 the allegations contained therein.
25

26. Answering Paragraph 26 of the Complaint, Defendant denies the allegations contained therein.

27. Answering Paragraph 27 of the Complaint, Defendant denies the allegations contained therein.

28. Answering Paragraph 28 of the Complaint, Defendant denies the allegations contained therein.

THIRD CLAIM FOR RELIEF

(Violation of the Stored Communications Act)

29. Answering Paragraph 29 of the Complaint, Defendant denies the allegations contained therein.

30. Answering Paragraph 30 of the Complaint, Defendant denies the allegations contained therein.

31. Answering Paragraph 31 of the Complaint, Defendant denies the allegations contained therein.

32. Answering Paragraph 32 of the Complaint, Defendant denies the allegations contained therein.

FOURTH CLAIM FOR RELIEF

(Misappropriation of Trade Secrets)

33. Answering Paragraph 33 of the Complaint, Defendant denies the allegations contained therein.

34. Answering Paragraph 34 of the Complaint, Defendant denies the allegations contained therein.

35. Answering Paragraph 35 of the Complaint, Defendant denies the allegations contained therein.

36. Answering Paragraph 36 of the Complaint, Defendant denies the allegations contained therein.

37. Answering Paragraph 37 of the Complaint, Defendant denies the allegations contained therein.

38. Answering Paragraph 38 of the Complaint, Defendant denies the allegations contained therein.

FIFTH CLAIM FOR RELIEF

(Misappropriation)

39. Answering Paragraph 39 of the Complaint, Defendant lacks sufficient information and belief and on that basis denies the allegations contained in this paragraph.

40. Answering Paragraph 40 of the Complaint, Defendant lacks sufficient information and belief and on that basis denies the allegations contained in this paragraph.

41. Answering Paragraph 41 of the Complaint, Defendant lacks sufficient information and belief and on that basis denies the allegations contained in this paragraph.

42. Answering Paragraph 42 of the Complaint, Defendant lacks sufficient information and belief and on that basis denies the allegations contained in this paragraph.

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SIXTH CLAIM FOR RELIEF

(Trespass to Chattels)

43. Answering Paragraph 43 Defendant denies the allegations on lack of information and belief.

44. Answering Paragraph 44 Defendant denies the allegations on lack of information and belief.

45. Answering Paragraph 45 Defendant denies the allegations on lack of information and belief.

46. Answering Paragraph 46 Defendant denies the allegations on lack of information and belief.

SEVENTH CLAIM FOR RELIEF

(Unjust Enrichment)

47. Answering Paragraph 47 Defendant denies the allegations on lack of information and belief.

48. Answering Paragraph 48 Defendant denies the allegations on lack of information and belief.

49. Answering Paragraph 49 Defendant denies the allegations on lack of information and belief.

EIGHTH CLAIM FOR RELIEF

(Negligence)

50. Answering Paragraph 50, Defendant denies the allegations on lack of information and belief.

51. Answering Paragraph 51, Defendant denies the allegations on lack of information and belief.

52. Answering Paragraph 52, Defendant denies the allegations on lack of information and belief.

53. Answering Paragraph 53, Defendant denies the allegations on lack of information and belief.

54. Answering Paragraph 54, Defendant denies the allegations on lack of information and belief.

PRAYER FOR RELIEF

Answering the Prayer for Relief, Defendant denies that Plaintiff is entitled to any of the relief requested.

AFFIRMATIVE DEFENSES

Having answered Plaintiff's complaint, Defendant asserts the following affirmative defenses:

1. The court lacks jurisdiction over some or all of Plaintiffs' claims.

2. The Complaint and each alleged claim therein fails to state facts sufficient to constitute a cause of action upon which relief may be granted.

3. Plaintiffs' claims are barred by the applicable statute of limitations.

4. Plaintiffs have suffered no actual injury due to Defendants' conduct

1 5. The complaint is barred by res judicata and/or collateral
2 estoppel.

3 6. Plaintiffs lack standing to assert the claims asserted in the
4 Complaint.

5 7. Defendants are not liable as their conduct was not the
6 proximate cause of harm, if any, to plaintiffs.

7 8. The Complaint and each alleged claim for relief therein fails
8 to state facts sufficient to entitle plaintiffs to an award of punitive damages.

9 9. Plaintiffs failed to mitigate their damages.

10 10. The injuries and damages complained of by Plaintiffs, if any,
11 were directly and proximately caused by the negligence of the Plaintiffs and/or
12 persons other than Defendants, and such negligence comparatively reduces the
13 proportion of such negligence and corresponding liability of Defendants, if any
14 there be.

15 11. By reason of their own acts and omissions, Plaintiffs'
16 Complaint is barred by the doctrines of waiver, estoppel, laches and unclean
17 hands.

18 12. Defendants acted in good faith and did not directly or
19 indirectly perform any acts whatsoever which would constitute a violation of any
20 state or federal rights possessed by plaintiffs.

21 13. Defendants did not act with malicious intent or reckless
22 disregard of Plaintiffs' rights, and therefore are not liable for punitive damages.
23

1 14. Because the complaint is couched in conclusory terms,
2 Defendants cannot anticipate fully all affirmative defenses that may be applicable
3 in this matter. Accordingly, the right to assert additional affirmative defenses, if
4 and to the extent such affirmative defenses are applicable, is hereby reserved.

5 WHEREFORE, Defendant prays as follows:

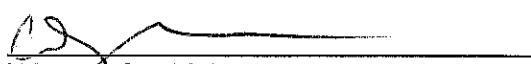
- 6 1. That judgment be rendered in favor of Defendant and
7 against Plaintiff;
8 2. That Plaintiff take nothing by reason of the Complaint;
9 3. That Defendant be awarded costs of suit and attorneys' fees;
10 and
11 4. For such other relief as this court may deem proper.

12 **DEMAND FOR JURY TRIAL**

13 The answering Defendant hereby demands a trial by jury.

14 DATED THIS 5th day of January, 2016.

16 HESTER LAW GROUP, INC., P.S.
17 Local Counsel for Robert Glynn
18 Attorneys for Defendants

20 By: 

21 Wayne C. Fricke
WSB#16550

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Wayne C. Fricke wayne@hesterlawgroup.com
 kathy@hesterlawgroup.com
 sarah@hesterlawgroup.com
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By: 

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